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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/093,958

06/08/1998

JEFFREY L. KEITH

MS1-230US

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10/23/2006

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EXAMINER

BOYCE, ANDRE D

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 10/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/093,958

Applicant(s)

KEITH ET AL.

Examiner

Andre Boyce

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 77-86 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 77-86 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/9/05, 5/26/06, 9/11/06</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This Final Office action is in response to Applicant's amendment filed June 15, 2006. Claims 43-76 have been canceled. Claims 77-86 have been added and are pending.
2. The previously pending objections to claims 45 and 53-55 have been withdrawn.  
The previously pending rejections to claims 43-45 and 49-55 under 35 U.S.C. 112, second paragraph have been withdrawn.  
The previously pending rejections to claims 46 and 49-53 under 35 U.S.C. 102 have been withdrawn.  
The previously pending rejections to claims 43-45, 47, 48, 54 and 55 under 35 U.S.C. 103 have been withdrawn.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 85 and 86 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 85 and 86 are rendered vague and indefinite, because the claims recite "The parcel manager as recited in claim 81," even though both claims depend from a method claim (i.e., claim 81).

***Claim Rejections - 35 USC § 102***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. Claims 77 and 81-84 are rejected under 35 U.S.C. 102(e) as being anticipated by Haff et al (USPN 6,219,669).

As per claim 77, Haff et al disclose in an electronic system for transferring data from a local computer to a remote computer (i.e., file transfer system, column 21, lines 31-35), a software program embodied on a computer readable medium for execution on the local computer (computer program incorporating functional modules, column 21, lines 29-30), the software program having a notification object that is responsive to separate commands to perform services comprising (i.e., file transfers are logged via control module, see column 22, lines 46-50); awaiting information concerning creation or arrival of a parcel used to carry the data between the local and remote computers (i.e., indication in an event log window when the transmission of the packet is complete, column 22, lines 46-50), wherein the parcel is particularized to contain a particular type of data (file packet, see column 22, lines 34-37); selecting one of a plurality of parcel events of which the status is requested (i.e., event log, including completed and pending events 24, figure 15), wherein at

least one said parcel event corresponds to an intermediate step performed before arrival of the parcel on the remote computer (i.e., the sending PC sends information about the file to be sent and about the sending PC, column 26, lines 1-6); and updating a status on the parcel (i.e., updating of the file transfer status, including complete, pending, and failed, column 24, lines 24-26).

As per claim 81, Haff et al disclose a method for managing transfer of data from a local computer to a remote computer (file transfer system, see column 21, lines 31-35), comprising the following steps: receiving a request to transfer data at a parcel manager application program interface (i.e., control module governs and supervises transmission and receipt of files, column 22, lines 6-8); creating a parcel object to hold the data via a function of the parcel manager application program interface (i.e., control module calls compression subroutine that copies and compresses the file, column 22, lines 30-34), wherein the created parcel object is particularized to hold a particular type of data (file packet, column 22, lines 34-37); creating a notification object via a second function of the parcel manager application program interface (i.e., file transfers are logged via control module, see column 22, lines 46-50); and tracking, via the notification object, a status of the parcel as the parcel components are transferred to the remote computer (i.e., indication in an event log window when the transmission of the packet is complete, column 22, lines 46-50), wherein the parcel components are tracked over an intermediate step performed before receipt of the parcel components by the remote computer (i.e., the sending PC sends information about the file to be sent and about the sending PC,

column 26, lines 1-6, and the packet file name and destination address remain in a pending event log file until the designated time the file is to be transferred (column 22, lines 53-56).

As per claim 82, Haff et al disclose creating one or more parcel component objects to hold the data via a function of the parcel object (i.e., control module calls compression subroutine that copies and compresses the file, column 22, lines 30-34).

As per claim 83, Haff et al disclose updating the status of the parcel (i.e., updating of the file transfer status, including complete, pending, and failed, column 24, lines 24-26).

As per claim 84, Haff et al disclose the request is received from an external application (i.e., sender initiates transfer by sending file characteristic information and sender identification, column 26, lines 44-47), and further comprising the step of sending the status of the parcel to the external application (i.e., transfer status of sent file is logged, column 27, lines 49-51).

### ***Claim Rejections - 35 USC § 103***

7. Claims 78-80, 85 and 86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haff et al (USPN 6,219,669), in view of Kolling et al (USPN 5,963,925).

As per claim 78, Haff et al does not explicitly disclose the particular type of data is batch statement data. Kolling et al disclose electronic batch statement data sent

by a biller (see column 9, lines 40-48). Both Haff et al and Kolling et al are concerned with effective electronic transfers across networks. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include batch statement data in the Haff et al system, as seen in the Kolling et al system, thereby being able to effectively communicate the cost of services rendered (see Haff et al, column 1, lines 51-55), thus making the system more flexible in dealing with various business models (see Haff, column 47, lines 5-6).

As per claim 79, Haff et al does not explicitly disclose the particular type of data is selected from the group consisting of consumer information data, payment data, batch statement data, and statement template data. Kolling et al disclose electronic batch statement data sent by a biller (see column 9, lines 40-48). Both Haff et al and Kolling et al are concerned with effective electronic transfers across networks. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include batch statement data in the Haff et al system, as seen in the Kolling et al system, thereby being able to effectively communicate the cost of services rendered (see Haff et al, column 1, lines 51-55), thus making the system more flexible in dealing with various business models (see Haff, column 47, lines 5-6).

As per claim 80, Haff et al does not explicitly disclose the intermediate step consists of at least one of sending of statement data to a service center, loading of statement data to a statement database, activation of the statement data by a biller,

or disbursement of statement data to consumers. Kolling et al discloses biller B as the initiator of a message, such as an electronic invoice or statement which biller B directs biller processor 402 to send to consumer C through the payment network (i.e., activation of the statement data by a biller, column 30, lines 16-19). Both Haff et al and Kolling et al are concerned with effective electronic transfers across networks. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include activation of the statement data by a biller in the Haff et al system, as seen in the Kolling et al system, thereby effectively communicating important information, thus making the system more flexible in dealing with various business models (see Haff, column 47, lines 5-6).

As per claim 85, Haff et al does not explicitly disclose the particular type of data is batch statement data. Kolling et al disclose electronic batch statement data sent by a biller (see column 9, lines 40-48). Both Haff et al and Kolling et al are concerned with effective electronic transfers across networks. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include batch statement data in the Haff et al system, as seen in the Kolling et al system, thereby being able to effectively communicate the cost of services rendered (see Haff et al, column 1, lines 51-55), thus making the system more flexible in dealing with various business models (see Haff, column 47, lines 5-6).

As per claim 86, Haff et al does not explicitly disclose the particular type of data is selected from the group consisting of consumer information data, payment data,



batch statement data, and statement template data. Kolling et al disclose electronic batch statement data sent by a biller (see column 9, lines 40-48). Both Haff et al and Kolling et al are concerned with effective electronic transfers across networks. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include batch statement data in the Haff et al system, as seen in the Kolling et al system, thereby being able to effectively communicate the cost of services rendered (see Haff et al, column 1, lines 51-55), thus making the system more flexible in dealing with various business models (see Haff, column 47, lines 5-6).

### ***Response to Arguments***

8. In the Remarks, Applicant argues that Haff et al does not disclose an intermediate step that is tracked during transfer. The Examiner respectfully disagrees and submits that Haff et al disclose the sending PC sends information about the file to be sent and about the sending PC before transferring of the file (column 26, lines 1-6). Moreover, Haff et al discloses the packet file name and destination address remain in a pending event log file until the designated time the file is to be transferred (column 22, lines 53-56).

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

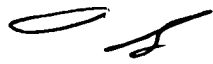
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (571) 272-6726. The examiner can normally be reached on 9:30-6pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

October 14, 2006  
adb

  
ANDRE BOYCE  
PATENT EXAMINER  
AU. 3623